REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	04 June 1999
Name of applicant/court:	The District Court at New Plymouth
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	Re: Tell Me Everything
Other Known Titles:	Tell Me Everything
Director:	Not Applicable
Producer:	Not Applicable
Publisher:	Not Stated
Author:	Not Stated
Format:	Computer Printout e-mail
Country of Origin:	New Zealand
Language:	English

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Components of film originally examined: Not Applicable.

Feature:	Running time:
Trailers:	Running time:
	Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

The computer printout e-mail entitled *Re: Tell Me Everything* is classified as: Objectionable.

The publication is a computer printout of an e-mail message onto two sheets of A4 size paper. It consists of text. The text predominantly consists of the author of the e-mail relating some sexual experiences that occurred when he was a child. The majority of the e-mail is a description of sexual activity, in explicit and offensive terms, between the author when he was aged 12½ and another boy aged 14. As well as explicitly describing sexual activity, the story also focuses on the sexual inexperience and the underdeveloped physical characteristics of one of the boys who is stated to be unable to ejaculate because he is too young, although he does achieve orgasm.

The publication is written in a salacious manner intended to present sexual activity between two school-aged boys as a sexually arousing scenario. This is reinforced by the closing sentences of the e-mail where the author of the e-mail asks the recipient of the e-mail whether they were sexually aroused by the story. The author also indicates that he has become sexually aroused by writing the story and is about to masturbate.

The publication presents descriptions of sexual activity involving children or young persons as appropriate source material for adult sexual arousal and implicitly indicates that sexual activity involving children or young persons is legitimate and acceptable. The publication therefore promotes and supports the exploitation of children and young persons for sexual purposes as outlined under s3(2) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act).

An objectionable classification places a limit on the right to freedom of expression outlined under s14 of the New Zealand Bill of Rights Act 1990 (NZBR Act). The publication falls under s3(2) of the FVPC Act which overrides the NZBR Act because it is a deeming provision which cannot be given a meaning that is consistent with the rights and freedoms contained in s14 of the NZBR Act. As such if the Classification Office considers that the publication promotes or supports criteria listed in s3(2), the publication shall be deemed "objectionable" without any further consideration of the NZBR Act. This limit on the freedom of expression is prescribed by law.

OFLC Ref: 9900660